



APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 8, 2010

COMMON ADDRESS OF LOTS TO BE REZONED: 1923, 1943 Crawford Street and 701 South 20th Street, Terre Haute, Indiana 47803

Current Zoning: R-2 Two-Family Residence

Requested Zoning: R-2 Two-Family Residence Planned Development

Proposed Use: One-half apartment and one-half Yoga Studio, offering late afternoon and evening classes, with class sizes as high as 8 participants.

Name of Owner: Robert T & Mary M Pfrank

Address of Owner: 1923 South Crawford Street, Terre Haute, Indiana 47803

Phone Number of Owner: 812-478-1266

Representing Owner (if any): Susan Rose

Address of Representative: 6949 N Erickson Street, Terre Haute IN 47805

Phone Number of Representative: 812-229-0134

For Information Contact: Susan Rose

Council Sponsor: John Mullican

***COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 8, 2010**

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code of Ordinances For the City of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except And Herein Provided; Providing For the Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code of Terre Haute, known and referred to as "Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot number Twenty-eight (28) in J. W. Milner's Subdivision, being a subdivision of Lot Number Twenty-one (21) in John Milner's Subdivision in the North West Quarter (¼) of section Twenty -Six (26) Township Twelve (12) North of Range Nine (9) West of the Second Principal Meridian.

Commonly known as: 1923, 1943 Crawford Street and 701 South 20th Street, Terre Haute, Indiana 47803

be and the same is, hereby established as a R-2 TWO-FAMILY RESIDENCE PLANNED DEVELOPMENT, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this ordinance.

That the real estate described shall be a Planned Development in an R-2, Two-Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to terms and conditions set forth herein.

- (A) That one-half of the real estate is to be used to operate a Yoga Studio in the lease space that is available that this site, and that the remaining one-half of the real estate is to be rented as an apartment.
- (B) That the Yoga Studio shall be subject to the following:
 - Hours of operation will extend from 12:00pm to 8:30 pm., Monday through Friday and during the weekends. Average number of classes will be about 2 per day.
 - Parking will be on the street in front and to the side of the building. The average class size will between 5 and 8 people, which will leave adequate on-street parking for the neighborhood.
- (C) The owner has met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the nature of the existing improvements on the land, and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.
- (D) Due to the nature of the site a parking variance of 8 off-street spaces is needed.

SECTION II. WHEREAS, a public hearing has been held and we the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exists and that said planned development will not adversely affect public health, safety, and the general welfare.

Be it ordained by the Common Council of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the

Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of real estate as Planned Development as described in this ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest.

The rights granted in the event said Planned Development has not materialized within six (6) months of approval, said Planned Development becomes void. The rights granted herein shall be transferable and shall be recorded in the Vigo County Recorder's Office within ninety days of approval.

SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member



John Mullican, Councilperson

Passed in Open Council this _____ day of _____, 2010.

Neil Garrison-President

ATTEST: _____

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this _____ day of _____ 2010.

Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2010.

Duke A. Bennett, Mayor

ATTEST: _____

Charles P. Hanley, City Clerk

This instrument prepared by: Susan Rose, 6949 North Erickson Street, Terre Haute, Indiana, 47805

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


Susan Rose

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Robert and Mary Pfrank, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

See attached Exhibit A

Commonly known as: 1923, 1943 Crawford Street and 701 South 20th Street, Terre Haute, Indiana 47803

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2, two-Family Residence.

Your petitioner would respectfully state that the real estate is now a primary residence. Your petitioner intends to use the lease a portion of the real estate to provide a Yoga Studio for up to 8 people.

Your petitioner would request that the real estate described herein shall be zoned as a R-2 Two-Family Residence Planned Development. Your petitioner would allege that the Two-Family Residence Planned Development would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-2 Two-Family Planned Development of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 30th day of March, 2010.

BY: Robert T. Pfrank
Robert T. Pfrank

Mary M. Pfrank
Mary M. Pfrank

PETITIONER: Robert and Mary Pfrank, 1923 Crawford Street, Terre Haute, Indiana 47803

This instrument was prepared by: Susan Rose, 6949 North Erickson Street, Terre Haute, Indiana, 47805; 812-229-0134

EXHIBIT A

60-242-9374

FOR SALE BY THE VIOUESNEY CO. TERRE HAUTE, IND.

WARRANTY DEED

891/307

THIS INDENTURE WITNESSETH, That Courtney C. Kelley and Severn Josephine Kelley, husband and wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Robert T. Pfrank and Mary Margaret Pfrank, husband and wife

of Vigo County, in the State of Indiana

for the sum of One and no/100 Dollars and other valuable considerations

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Lot Number Twenty-eight (28) in J.W. Milner's Subdivision, being a subdivision of Lot Number Twenty-one (21) in John Milner's Subdivision in the North West Quarter (1) of Section Twenty-six (26) Township Twelve (12) North of Range Nine (9) West of the Second Principal Meridian.

Subject to taxes for the year 1955, due and payable in the year 1956 and all subsequent taxes and assessments, which the grantees herein assume and agree to pay.



IN WITNESS WHEREOF, The said Courtney C. Kelley and Severn Josephine Kelley, husband and wife

have hereunto set their hands and seals

this 15th day, August A. D. 1955

Courtney C. Kelley

(SEAL)

Severn Josephine Kelley

(SEAL)

(SEAL)

(SEAL)

AFFIDAVIT OF:

COMES NOW affiant Robert T Pfrank and Mary M. Pfrank

and affirms under penalty of law that affiant is the owner of record of the property located

at 1923, 1943 Crawford St. and 701 S. 20th St
Terre Haute, IN 47803

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Robert T. Pfrank and Mary M. Pfrank

[Typed name of owner(s) on deed]

SIGNATURE: Robert T Pfrank

SIGNATURE: Mary Margaret Pfrank

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Kimberly Rene Slaven

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 30th day of March, 2000-2010

Notary Public:

Kimberly Rene Slaven

[Typed name]

My Commission Expires: November 19, 2012

My County Of Residence:

Vigo

60-242-9374

FOR SALE BY THE VIGUESNEY CO., TERRE HAUTE, IND.

WARRANTY DEED

291/307

THIS INDENTURE WITNESSETH, That Courtney C. Kelley and Severn Josephine Kelley,
husband and wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Robert T. Pfrank and Mary Margaret Pfrank, husband
and wife

of Vigo County, in the State of Indiana

for the sum of One and no/100 Dollars and other valuable considerations

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo
County, in the State of Indiana, to-wit:

Lot Number Twenty-eight (28) in J.W. Milner's Subdivision, being a subdivision
of Lot Number Twenty-one (21) in John Milner's Subdivision in the North West
Quarter (2) of Section Twenty-six (26) Township Twelve (12) North of Range
Nine (9) West of the Second Principal Meridian.

Subject to taxes for the year 1955, due and payable in the year 1956 and all
subsequent taxes and assessments, which the grantees herein assume and agree to pay.



IN WITNESS WHEREOF, The said Courtney C. Kelley and Severn Josephine Kelley, husband
and wife

have hereunto set their hands and seals

this 15th day, August, A. D. 1955

Courtney C. Kelley (SEAL)
(SEAL)

Severn Josephine Kelley (SEAL)
(SEAL)

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STATE OF INDIANA, Vigo COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 15th day of

August 19 55, personally appeared Courtney C. Kelley and Severn

Josephine Kelley, husband and wife

ed the execution of the annexed Deed.

my hand and Notarial Seal.

My commission expires August 26, 19 55, William G. Tichenor Notary Public.

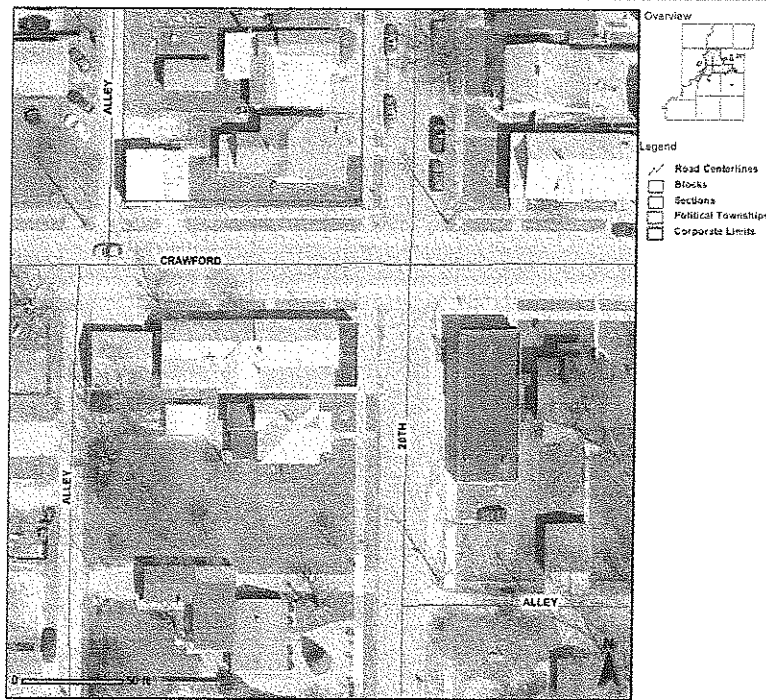
RECEIVED FOR RECORD THE 15 DAY OF Aug 1955 AT 3 O'CLOCK P M. JAMES G, FAGIN, RECORDER




Vigo County, IN / City of Terre Haute



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